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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,536	06/14/2001	Jack D. Patterson	65856-0032 (00-TRN-379)	8152
10291 7590 12/03/2007 RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 12/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AK

Office Action Summary	Application No.	Applicant(s)	
	09/881,536	PATTERSON, JACK D.	
	Examiner	Art Unit	
	Jinhee J. Lee	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7, 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed May 3, 2007. Claims 1,3-7 and 9-12 are pending.

Specification

2. The disclosure is objected to because of the following informalities:

At page 2, line 3 of paragraph 0007, "difficult to assembly" is grammatically incorrect. Examiner suggests, "difficult to assemble" instead to correct a grammatical error.

At page 3, line 2 of paragraph 0014, "connection the engine" is grammatically incorrect. Examiner suggests, "connecting the engine" instead to correct a grammatical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3, 6, 7, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over conventional art as described in the Applicant's specification and Applicant's prior art figure 2 in view of Radox "Plug and Play" Cable (Radox).

Re claim 1, an electronically controlled vehicle drivetrain, comprising: an electronically controlled engine including an electronic engine controller and an

electronically controlled automated mechanical transmission including an electronic transmission controller is disclosed as well known in the art and described in the Description of Related Art section in the specification. Also, Applicant's prior art figure 2 discloses a data link assembly for providing electronic communication between an engine controller and a transmission controller, said data link assembly comprising a trunk portion (portions including 62 for example) having first and second ends, an engine shunt portion (64 for example) connected to said trunk portion, a transmission shunt portion (64 for example) connected to said trunk portion, a first termination resistor (68) located at said first end of said trunk portion, and a second termination resistor (68) located at said second end of said trunk portion. Applicant's specification and Applicant's prior art figure 2 do not disclose that the data link assembly is pre-assembled and wherein said trunk portion comprises a multiplex cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pre-assemble the data link assembly, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain. Further, Radox teaches of multiplex cables. Still furthermore, the applicant has admitted that multiplex cables are known (see specification page 6 paragraph [0025]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the multiplex cables as

taught by Radox on the trunk portion of Applicant's specification and Applicant's prior art figure 2 in order to provide reduction of EMI and RFI.

Re claim 3, Applicant's specification and Applicant's prior art figure 2 modified by Radox substantially disclose a system as set forth in claim 1 above. Applicant's specification and Applicant's prior art figure 2 modified by Radox do not disclose said first and second termination resistors housed in a barrel mold. It would have been an obvious matter of design choice to use said first and second termination resistors housed in a barrel mold, since applicant has not disclosed that having said first and second termination resistors housed in a barrel mold solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any conventional termination resistors as is disclosed in Applicant's prior art figure 2.

Re claim 6, note that Applicant's specification and Applicant's prior art figure 2 discloses that an assembly with shunt portion of anti-lock brake system connected to trunk portion is well known. Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain.

Re claim 7, Applicant's specification and Applicant's prior art figure 2 discloses a data link assembly for providing electronic communication between an engine controller and a transmission controller, comprising a trunk portion (portions including 62 for example) having first and second ends, an engine shunt portion (64 for example) connected to said trunk portion, a transmission shunt portion (64 for example) connected to said trunk portion, a first termination resistor (68) located at said first end of said trunk portion, and a second termination resistor (68) located at said second end

of said trunk portion. Applicant's specification and Applicant's prior art figure 2 do not disclose that the data link assembly is pre-assembled and wherein said trunk portion comprises a multiplex cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pre-assemble the data link assembly, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Splicing is a method of connection and will not be addressed in the structural limitation of the data link assembly. Further, Radox teaches of multiplex cables. Still furthermore, the applicant has admitted that multiplex cables are known (see specification page 6 paragraph [0025]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the multiplex cables as taught by Radox on the trunk portion of Applicant's specification and Applicant's prior art figure 2 in order to provide reduction of EMI and RFI.

Re claim 9, Applicant's specification and Applicant's prior art figure 2 modified by Radox substantially disclose a system as set forth in claim 7 above. Applicant's specification and Applicant's prior art figure 2 modified by Radox does not disclose said first and second termination resistors housed in a barrel mold. It would have been an obvious matter of design choice to use said first and second termination resistors housed in a barrel mold, since applicant has not disclosed that having said first and second termination resistors housed in a barrel mold solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any conventional termination resistors as is disclosed in Applicant's prior art figure 2.

Re claim 12, note that Applicant's specification and Applicant's prior art figure 2 discloses that an assembly with shunt portion of anti-lock brake system connected to trunk portion is well known. Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain.

5. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's specification and Applicant's prior art figure 2 in view of Stone et al. (6257923) and Will (4929477).

Re claim 4, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 1 above. Applicant's specification and Applicant's prior art figure 2 does not disclose a double wall shrink tube for covering said engine shunt portion and said transmission shunt portion. However, Stone et al. teaches of using shrink tube (44) for covering wires in a vehicle. Also, Will teaches of shrink tubes with double walls (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the double wall shrink tube as taught by Stone et al. and Will on the assembly as disclosed in Applicant's specification and Applicant's prior art figure 2 in order to interconnect different parts.

Re claim 5, note that Will teaches of a double wall shrink tube which includes an adhesive material (K).

Re claim 10, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 7 above. Applicant's specification and Applicant's prior art figure 2 does not disclose a double wall shrink tube for covering said engine shunt portion and said transmission shunt portion. However, Stone et al.

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teaches of using shrink tube (44) for covering wires in a vehicle. Also, Will teaches of shrink tubes with double walls (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the double wall shrink tube as taught by Stone et al. and Will on the assembly as disclosed in Applicant's specification and Applicant's prior art figure 2 in order to interconnect different parts.

Re claim 11, note that Will teaches of a double wall shrink tube which includes an adhesive material (K).

Response to Arguments

6. Applicant's arguments filed 5/3/07 have been fully considered but they are not persuasive.

In response to applicant's arguments that the amended claims 1 and 7 are now allowable, examiner disagrees. The board partially affirmed the previous rejection and stated that "However, our observation does not mean that the Examiner could not have used the publication as a secondary reference based on the disclosed reduction of EMI and RFI as the motivation for combining with APA" (see page 6 of decision).

Furthermore, the applicant has admitted that the Radox multiplex cable is previously known (see rejection above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinhee J Lee/

Jinhee J Lee
Primary Examiner
Art Unit 2174

jjl


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